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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,441	11/01/2000	Nobuyuki Kihara	450106-02418	8620
20999	7590	05/13/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SHIN, KYUNG H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/674,441

Applicant(s)

KIHARA ET AL.

Examiner

Kyung H. Shin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responding to application papers filed 11/26/2004.
2. Claims **1-4, 16** are pending. Claims **5 - 15** have been canceled. Independent claims are **1, 16**.

### ***Response to Arguments***

3. Applicant's arguments, with respect to the rejection(s) of claim(s) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

### ***Claim Rejection - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1 - 4, 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stock et al. (US Patent No. 6,011,858) in view of Tanaka et al. (US Patent No. 5,682,549).

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**Regarding Claim 1**, Stock discloses an application file structure with information equivalent to applicant's move (i.e. delete, write functions), copy (i.e. read, write functions) and transaction tracking information (i.e. history) function. (see Stock col. 3, lines 1-5; col. 4, lines 28-36; col. 3, line 67 - col. 4, line 4: file directory, contents management information) Stock's description of information displayed in the reference's application file structure information is equivalent to applicant's description of the information contained in the move, copy, history retrieved from memory or smart card (i.e. reference's IC card). Stock discloses that the information listing displays a current and updated listing of the information stored in the memory card. Stock discloses describing a move, copy, history which is generated by the usage of standard information programming and processing concepts.

Stock discloses a data processing apparatus, comprising:

- b) memory means for storing move/copy history when a particular file is moved/copied from said large capacity memory means to a non-volatile memory; (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information maintained)
- c) reference means for referencing the history information stored in said memory means when the particular file is moved/copied from said large capacity memory means to the non-volatile memory; (see Stock col. 3, line 67 - col. 4, line 4; col. 4,

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lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information maintained)

d) control means for prohibiting the particular file from being moved/copied from said large capacity memory means to the non-volatile memory when said reference means has detected that the history information is stored in said memory means. (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information maintained)

a) Stock does not specifically disclose a plurality of files in a large capacity data file storage means. However, Tanaka discloses a large capacity memory means for storing a plurality of files (see Tanaka col. 19, lines 56-63: multiple files stored for manipulation)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stock to utilize the storage of multiple files (i.e. database) as taught by Tanaka. One of ordinary skill in the art would be motivated to employ Tanaka in order to optimize the storage and management of digital (i.e. media type) data within a network environment . (see Tanaka col. 2, lines 13-15: “ ... *easily store image data in a memory device connected to the network, manage the image data, or take out the image data ...* ”)

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**Regarding Claim 2**, Tanaka discloses the data processing apparatus as set forth in claim 1, wherein files stored in said large capacity memory means have been compressed corresponding to a predetermined compressing method. (see Tanaka col. 13, lines 23-25: efficient data storage achieved by utilization of compression techniques)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stock to utilize compression techniques in the optimization of data storage as taught by Tanaka. One of ordinary skill in the art would be motivated to employ Tanaka in order to optimize the storage and management of digital (i.e. media type) data within a network environment. (see Tanaka col. 2, lines 13-15)

**Regarding Claim 3**, Tanaka discloses the data processing apparatus as set forth in claim 1, wherein files stored in said large capacity memory means have been encrypted corresponding to a predetermined encrypting method. (see Tanaka col. 13, lines 18-20; col. 11, lines 15-17: secure data storage achieved by utilization of encryption techniques)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stock to utilize encryption techniques in the secure storage of data as taught by Tanaka. One of ordinary skill in the art would be motivated to employ Tanaka in order to achieve secure storage and optimize the management of digital (i.e. media type) data within a network environment. (see Tanaka col. 2, lines 13-

15)

**Regarding Claim 4**, Stock discloses the data processing apparatus as set forth in claim 1, wherein said memory means is composed of a flash memory. (see Stock col. 3, lines 64-67: smart card, nonvolatile (i.e. flash) memory)

**Regarding Claim 16**, Stock discloses a data processing method, comprising the steps of:

- a) storing move/copy history when a particular file is moved/copied from a large capacity memory that stores a plurality of files to a non-volatile memory; (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)
- b) referencing the history information stored in the memory when the particular file is moved/copied from the large capacity memory to the non-volatile memory; (see Stock col. 3, line 67 - col. 44, line 4; col. 4, lines 28-36; file directory and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)
- c) prohibiting the particular file from being moved/copied from the large capacity memory to the non-volatile memory when the history information is stored in the memory. (see Stock col. 3, line 67 - col. 4, line 4; col. 4, lines 28-36; file directory

and contents management functions for memory card and database system, card information written (i.e. copy), revised (i.e. move), transaction (i.e. history) information)

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9 am - 7 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyung H Shin  
Patent Examiner  
Art Unit 2143

KHS

May 9, 2005

A handwritten signature in black ink, appearing to read 'William C. Vaughn, Jr.', with a stylized, looping flourish at the end.

WILLIAM C. VAUGHN, JR.  
PRIMARY EXAMINER